GOVERNMENT OF INDIA
OVERSEAS INDIAN AFFAIRS
LOK SABHA

UNSTARRED QUESTION NO:303
ANSWERED ON:27.02.2008
SUBSISTENCE ALLOWANCE FOR INDIAN WOMEN DIVORCED BY NRI HUSBANDS
Patel Shri Jivabhai Ambalal;Thummar Shri Virjibhai

Will the Minister of OVERSEAS INDIAN AFFAIRS be pleased to state:

(a) whether a number of Indian women are divorced/being divorced by their NRI husbands;

(b) if so, the details thereof;

(c) whether the Government has raised the issue with the respective countries for grant of subsistence allowance to the affected Indian women;

(d) if so, the details thereof; and

(e) if not, the reasons, therefor?

Answer

MINISTER OF OVERSEAS INDIAN AFFAIRS(SHRI VAYALAR RAVI)

(a)&(b): Yes, Sir. The Ministry of Overseas Indian Affairs has received 230 complaints from Indian women against divorce/desertion by their overseas Indian spouses.

(c) & (d): No, Sir.

(e): Grant of subsistence allowance to affected women are governed by the legal provisions on the subject in any country and are admissible as per the court's directives. The Ministry has launched a scheme to provide legal assistance to Indian women divorced/deserted by their overseas Indian spouses to enable them to take up their case in the relevant court (s) in the country concerned. Details of the scheme for giving legal/financial assistance to women deserted by their Overseas Indian spouses are enclosed.

Annexure referred to in reply to Part (e) of Lok Sabha Unstarred Question No. 303 to be answered on 27.02.2008

SCHEME FOR GIVING LEGAL /FINANCIAL ASSISTANCE TO WOMEN DESERTED BY THEIR OVERSEAS INDIAN SPOUSES

I. Objective: The objective of the scheme is to provide some financial assistance to needy women in distress who have been deserted by their overseas Indian spouses for obtaining counseling and legal services. The term "Overseas Indian" would include NRIs and foreign citizens of Indian origin. The counseling and legal services would be provided through credible Indian Women's Organizations/Indian Community Associations and NGOs identified for providing such services and empanelled with the Indian Missions in the USA, the UK, Canada, Australia, New Zealand and the Gulf. The scheme is a welfare measure to support women of Indian origin in distress, through the mobilization of the local Indian community in the endeavor and with some financial assistance from the Government.

II. Scope of and Eligibility for the Scheme:
The scheme would be available to the women who have been deserted by their overseas Indian spouses or are facing divorce proceedings in a foreign country subject to the following conditions:-

(i) The woman is an Indian passport holder.

(ii) The marriage of the woman has been solemnized in India.

(iii) The woman is deserted in India or after reaching abroad within five years of the marriage.

(iv) Divorce proceedings are initiated within five years of the marriage by her overseas Indian spouse.

(v) An ex-parte divorce has been obtained by the overseas Indian spouse within 10 years of marriage and a case for maintenance and alimony is to be filed

(vi) The scheme would not be available to a woman facing criminal charges or having a criminal case decided against her.

(vii) The domicile of the woman seeking relief under the scheme is not relevant for allowing the benefit. The woman may be domiciled in the country of her overseas Indian spouse or in India at the time of making the application.

(viii) Preference may be given to applicants on the basis of financial needs.
(ix) Assistance will be limited to meeting initial cost and incidental charges for documentation and filing of the case by the Indian women's organization/NGO on the woman's behalf.

(x) The assistance will be limited to US $1000 per case and will be released to the Indian community organizations/NGO concerned to enable it to take steps to assist the woman in documentation and preparatory work for filing the case.

(xi) The women's organization/NGO will make efforts to enlist community advocates, preferably women advocates, to extend further legal assistance/ appearance in court etc on a pro-bono basis.

Pattern of Assistance

Under the scheme Indian Missions in the countries concerned would empanel credible Indian Women's Organizations/ Indian Community Associations/NGOs and their member advocates, preferably women, to provide legal aid to the victims in distress and whose names have been approved by the Ministry of Overseas Indian Affairs. The applications for providing legal aid received by the Missions would be examined by an officer designated by the Head of the Mission on case-to-case basis and approved by Head of Mission/Deputy Chief of the Mission.

The applications received in the Ministry of Overseas Indian Affairs will be examined by an internal committee consisting of a legal advisor and an officer of the rank of Director/ Deputy Secretary and approved by Secretary. Thereafter, the Ministry will recommend the case to Mission concerned to provide legal aid support. The applicant would also be informed to approach the Mission concerned in this regard.